IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.2578 of 2005

DATE OF DECISION:23.04.2007

Ran Singh .....Appellant

Versus

Naresh Jain .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri R.N. Lohan, Advocate
for the appellant.

Shri Rajinder Goyal, Advocate
for the respondent.

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This is defendant's Regular Second Appeal against the judgments and decree passed by both the Courts below, whereby, the suit of the plaintiff for recovery of an amount of Rs.115000/- on the basis of pronote and receipt has been decreed.

I have heard counsel for the parties and gone through the impugned judgments and decree.

In this case, the plaintiff has duly proved the execution of the pronote as well as the receipt by examining PW1 Surender Kumar, Scribe and PW-3 Raj Kumar, attesting witness. It has been found that in view of the fact that the execution of the pronote and receipt has been duly proved under Section 118 of the Negotiable Instruments Act, the onus transferred on the d efendant to prove that the said transaction was without consideration. The defendant did not lead any evidence to rebut the said presumption. The only contention raised by the counsel for the appellant is that in the income tax return, the plaintiff has not shown the loan amount of Rs. 70,000/- . Merely on that ground, it cannot be said that the

consideration did not pass to the defendant.

In view of the fact that the finding recorded regarding passing of the consideration is a pure finding of fact, no illegality or perversity in the findings recorded by the both the courts below is pointed out by learned counsel for the appellant. No substantial question of law is also involved in this appeal.

Dismissed.

April 23, 2007 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**